UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:14-cv-187-FDW

DAWIT TADESSE,)
Petitioner,)
vs.)) ORDER
UNITED STATES OF AMERICA,)
UNITED STATES CONGRESS,)
UNITED STATES SUPREME COURT,)
Respondents.)
)

THIS MATTER is before the Court on periodic status review following the transfer of this action from the Eastern District of North Carolina to this Court.

Petitioner is a North Carolina inmate currently incarcerated at Avery/Mitchell Correctional Institution, after having been convicted of second-degree murder in Mecklenburg County Superior Court on December 4, 2006. Petitioner filed this action, titled "Third Party Beneficiary...Third Party Claim Proceeding" on September 20, 2013. Despite that he is in state custody, Petitioner has purported to name the "United States of America," the "United States Congress," and the "United States Supreme Court" as Respondents.

In this action, Petitioner contends that his state court murder conviction should be overturned because, as an Ethiopian citizen, he is somehow immune from prosecution under the laws of the States and of the United States. This claim is patently frivolous, as the Eastern District of North Carolina so held in an order dated April 6, 2014, in which it conducted a review under 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases. See (Doc. No. 2). Despite that the Eastern District of North Carolina dismissed Petitioner's claim on the merits,

that Court then, quite oddly, transferred the entire action to this Court and noted that that Court had not addressed the issue of timeliness. (Id.). Given that Petitioner's only claim in this action is that he should not have been convicted because of his Ethiopian citizenship, there are no claims remaining in this action. Therefore, the action is dismissed, and the Clerk is directed to close the case.

Finally, the Court notes that Petitioner has neither paid the filing fee, nor has he submitted an application to proceed in forma pauperis. The Court, therefore, grants Petitioner the right to proceed in forma pauperis for the limited purpose of this review.

IT IS, THEREFORE, ORDERED that the Clerk shall terminate this action. To the extent that Petitioner was attempting to bring this action under § 2254, the Court dismisses the action without prejudice so that this action will not serve as Petitioner's one "free" § 2254 petition.

Signed: July 23, 2014

Frank D. Whitney

Chief United States District Judge